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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,096	08/23/2001	Mark R. Dagley	HE0160	9843
21495	7590	09/21/2005	EXAMINER	
CORNING CABLE SYSTEMS LLC P O BOX 489 HICKORY, NC 28603			BUI, HUNG S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,096

Applicant(s)

DAGLEY ET AL.

Examiner

Hung S. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 37-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claimed invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/22/2005.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilfer [US 6,834,921].

Regarding claim 1, Wilfer discloses a portable housing comprising:

- a generally planar upper wall having a first edge and a second edge;
- a generally planar lower wall substantially parallel to and spaced from the upper wall, the lower wall having a first edge and a second edge; and
- an outer wall extending between the first edge of the upper wall and the first edge of the lower wall, the outer wall forming an acute angle with one of the upper wall and the lower wall and forming an obtuse angle with the other of the upper wall and the lower wall (figures 4-5 and 6a-6b).

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Regarding claim 2, Wilfer further discloses an inner wall extending between the second edge of the upper wall and the second edge of the lower wall, the inner wall forming an acute angle with one of the upper wall and the lower wall and forming an obtuse angle with the other of the upper wall and the lower wall (figures 4-5, 6a-6b).

Regarding claim 4, Wilfer discloses the inner wall being substantially parallel to and spaced from the outer wall (figures 4-5 and 6a-6b).

Regarding claims 5-7, Wilfer discloses at east one equipment module audio or mixer being mounted within the housing and may substantially parallel to the walls of the housing by means of routing guide attaching to the inner walls (30, see abstract).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilfer in view of Vidacovich et al. [US 5,402,515].

Regarding claim 3, Wilfer discloses the instant claimed invention except for the outer wall and the inner wall comprising a mounting flange having a plurality of holes formed therethrough for receiving a corresponding plurality of fasteners to secure the housing to an equipment rack.

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Vadicovich et al. disclose a housing (22) having an outer wall and an inner wall comprising a mounting flange (48, figure 2) including a plurality of holes (figure 2) to secure to a distribution rack.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use add the mounting rack with the housing of Wilfer, as suggested by Vadicovich et al., for the purpose of providing support to mount the housing in the system.

6. Claims 8-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al. [US 5,402,515] in view of Wilfer.

Regarding claims 8-9, 17-20, 22-25, 27-28 and 32-34, Vadicovich et al. disclose a distribution frame (10, figure 7) for mounting communications equipment comprising:

- a plurality of uprights (figure 7);
- a plurality of supports joining the uprights together to define a generally open, box- like equipment rack (column 4, lines 5-13);
- at least one housing (22) secured to the equipment rack (figure 2);
- a general planar upper wall having a first edge and a second edge;
- a generally planar lower wall substantially parallel to and spaced from the upper wall, the lower wall having a first edge and a second edge;
- at least one an interbay storage unit (figure 7) with a vertical disposed base and plurality of storage hubs (102) vertically spaced apart and extending outwardly from the base.

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Vadicovich et al. disclose the instant claimed invention except for the specific shape of the housing.

Wilfer discloses a portable housing comprising a generally planar upper wall having a first edge and a second edge; a generally planar lower wall substantially parallel to and spaced from the upper wall, the lower wall having a first edge and a second edge; and an outer wall extending between the first edge of the upper wall and the first edge of the lower wall, the outer wall forming an acute angle with one of the upper wall and the lower wall and forming an obtuse angle with the other of the upper wall and the lower wall (figures 4-5 and 6a-6b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the specific shaped housing design of Wilfer with the distribution frame of Cadicovich et al. in order to facilitate access to the modules in a rack system.

Regarding claim 10, Vadicovich et al., as modified, disclose the inner wall being substantially parallel to and spaced from the outer wall (figures 2 and 7).

Regarding claims 11-13, Vadicovich et al., as modified, disclose at least one connector (6) within the housing and substantially parallel to the walls of the housing by means of routing guide attaching to the inner walls (figure 3).

Regarding claims 14 and 29, Vadicovich et al., as modified, further disclose the at least one housing comprising a plurality of vertically stacked housings and wherein each of the housings comprises a plurality of equipment modules mounted within the

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housing such that the equipment modules are substantially parallel to one another (figure 2).

Regarding claims 15 and 30, Vadicovich et al., as modified, disclose the at least one housing comprising a plurality of housings that are stacked vertically in a pair of parallel, spaced apart columns, the columns of vertically stacked housings defining a center section therebetween for routing and storing a jumper cable between the housings (figure 7).

Regarding claims 16 and 31, Vadicovich et al., as modified, disclose the at least one connector mounted within at least one of the housings in each of the columns and wherein the equipment modules are connected by a single length jumper cable that is routed between the equipment modules such that the excess length of the jumper cable is stored within the center section (figure 3).

Regarding claims 21, 26 and 35-36, Vadicovich et al., as modified, disclose a plurality of routing guides attached to the base (figures 2-3).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/15/05

**Hung Bui**

**Art Unit 2841**



**KAMAND CONEO**  
**SUPERVISORY PATENT EXAMINER**  
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